

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JEFFREY JOE ROY IRONPIPE,

Defendant.

CR 14-01-GF-BMM

**ORDER**

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his Findings and Recommendations on June 21, 2018. Defendant admitted that he had violated the conditions of his supervised release by consuming alcohol. Judge Johnston found the admission sufficient to establish the supervised release violation. Judge Johnston recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of 12 months, with no supervised release to follow.

Defendant filed a timely objection to Judge Johnston's Findings and Recommendations (Doc. 95). Defendant objects to the custodial sentence of 12 months. (Doc. 95 at 1). Defendant requests a custodial sentence of 12 months and 1 day. *Id.* The Court reviews *de novo* findings and

recommendations to which a defendant objects. 28 U.S.C. § 636(b)(1).

Findings and recommendations to which no objection is made are reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's Findings and Recommendations. Defendant admitted that he had violated the conditions of his supervised release. Defendant could be incarcerated for up to 24 months, followed by 40 months of supervised release less any custody time imposed. The United States Sentencing Guidelines call for a term of imprisonment of 3 to 9 months. A sentence of 12 months in custody, followed by no supervised release is appropriate. The sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 93) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 10th day of July, 2018.



Brian Morris  
United States District Court Judge